

**INDUSTRIAL TRIBUNAL**

**COURT #3 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE**

**COMMONWEALTH OF THE BAHAMAS**

Before

**MRS. RIONDA GODET VICE PRESIDENT (ACTING)**

**(Sitting Alone)**

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**PAUL FREDERICK CASH**

**Applicant**

AND

**OTIS ELEVATOR COMPANY/ CARIBBEAN ELEVATOR COMOANY**

**Respondent**

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**ORDER**

**Directions for Trial**

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APPEARANCES

Mr. Keith Major & Denise Major, Attorneys for the Applicant

Mr. Dwayne Fernader & Lavette Kemp, Attorneys for the Respondent

**WHEREAS:**

- 1) By Certificate of Referral dated 29<sup>th</sup> November 2022, the Minister referred the subject dispute to the Industrial Tribunal; and
- 2) In accordance with Rule 3 (1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for the Originating Application Form A was sent on 2<sup>nd</sup> December 2022 by Her Honour, President Indira Demeritte Francis, to the Applicant; and
- 3) Upon receipt by the Applicant of the Notice for an Originating Application, the Applicant filed an Originating Application in the Tribunal on 16<sup>th</sup> December 2022; and
- 4) A copy of the Notice of Originating Application, Form C, and a Notice of Appearance, Form D, was issued to the Respondent on 16<sup>th</sup> December, 2022.
- 5) A Notice of Appearance, Form D, supported by an Notice of Application for extension of Time, Form L, was entered by the Respondent on 24<sup>th</sup> January, 2023 and
- 6) On February 7<sup>th</sup> 2023, a Notice was sent to the Respondent's representative, Graham Thompson, a request, pursuant to Rule 6 of the In accordance with Rule 6 of the Industrial Relations

(Tribunal Procedure) Rules, 2010 for a Form E to be submitted in accordance with the said rule; and

- 7) A Defence, Form E, was filed by the Respondent on 24<sup>th</sup> February 2023 and
- 8) Pursuant to Rule 15 (1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal, by way of Form J dated 2<sup>nd</sup> March 2023, set a fixture for a Case Management Hearing for today's date; and

**IT IS HEREBY ORDERED, BY CONSENT, as follows:**

1. The trial of this matter shall be set down for three days;
2. The Applicant has indicated that he intends to call up to five witnesses and the Respondent has indicated that it intends to call up to three witnesses.
  - 2.1 There shall be an inspection of documents at a place and time to be agreed between the parties on or before 17<sup>th</sup> April 2022.
  - 2.2 The Applicant shall file his Witness Statements and Skeleton Arguments no later than 4:00 p.m. on 5<sup>th</sup> May 2023 and the Respondent shall file its Witness Statements and Skeleton Arguments no later than 4:00 p.m. on 26<sup>th</sup> May, 2023 and, upon

filing, the Applicant and the Respondent shall provide a hard copy of each to the Secretary to Court No. 3 and a copy of which shall be retained for the Court's use. Should the parties have their witnesses appear in person, a second hard copy of all documents to be relied upon at the hearing hereof, shall be presented to the secretary to Court No. 3.

- 2.3 The witness statements shall stand as evidence in chief at the trial and should any witness not attend, the witness statements will not be accepted as evidence.
3. The Applicant and the Respondent shall file an agreed Bundle of Documents with two copies to the secretary to Court No. 3 of the Tribunal no later than 4:00 p.m. on 12<sup>th</sup> June 2023.

**AND THIS IS THE ORDER OF THIS TRIBUNAL**

**Dated this 3<sup>rd</sup> April, 2022**

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**Rionda Yvette Godet**  
**Vice President**  
**Industrial Tribunal**